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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,541	11/06/2000	Elijahu Shapira	3561-68	1290

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EXAMINER	
HARBECK, TIMOTHY M	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/707,541	SHAPIRA ET AL.	
	Examiner	Art Unit	
	Timothy M. Harbeck	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *08 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 November 0200* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al (hereinafter Papierniak, US Pat No 6,128,624) in view of Holland et al (hereinafter Holland, US Pat No 6,505,242 B2).

Re Claim 1: Papierniak et al. discloses:

A method for tracking and reporting electronic commerce activity over a web site comprising:

storing a web page on a first server (308) coupled to a wide area network, said web page including data fields reflecting commerce transaction activity and data mining code; accepting commerce information within the data fields of the web page at the visitor computer to form a completed web page (306; col.3, lines 13-53).,

receiving the technical and commercial data at a second server (method steps of figs. 8-15, col.3, line 22-co1.5, line 58).

Papierniak does not explicitly disclose the steps of:

operating the data mining code on the visitor computer to obtain technical and commercial data, and

uploading the web page including the data fields and data mining coda to a visitor computer responsive to a request over the wide area network from the visitor computer.

Holland discloses a method for accessing page bundles on a portable client having intermittent network connectivity, wherein data mining applications deduce patterns and/or relationships from data stores such as databases using statistical analysis techniques to track behavior patterns of users accessing a web server (Column 4, lines 52-59). Furthermore Holland discloses that this data mining software can be used for use in tracking consumer behavior in an ecommerce market (Column 5, lines 13-16). It would have been obvious to someone skilled in the ordinary art at the time of invention to include the teachings of Holland to those of Papierniak so that useful information of individuals can be obtained to aid in making business decisions.

Re Claim 2: Papierniak further discloses receiving the completed web page at the fast server (col.2, line 57-co1.3, line 65); generating an order confirmation web page incorporating the commerce information from the data fields of the completed web page, said order confirmation web page including the data mining code; and uploading the order confirmation web page to the visitor computer (method steps of figs. 8-15; col.3, line 22-col.5, line 58).

Re Claim 3: Papierniak further discloses The method for tracking and reporting electronic commerce activity of claim 2, further including the steps of associating variables within the data mining code to the commerce information within the order confirmation page; confirming the commerce information at the visitor computer',

receiving the order confirmation page from the visitor computer at the first server responsive to the step of confirming the commerce information; and receiving the associated variables at the second server responsive to the step of confirming the commerce information (col.3, line 63-col.4, line 10).

Re Claim 4: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a product name of the commercial transaction (col.3, line 63-col.4, line 10).

Re Claim 5: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a product category of the commercial transaction (col.16, lines 36-37).

Re Claim 6: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a number of products purchased in the commercial transaction (col.15, lines 11-co1.17, line 38).

Re Claim 7: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a unit price of the commercial transaction (col.15, lines 11-col.17, line 38).

Re Claim 8: Papierniak further discloses the steps of compiling the variables into a commercial transaction report; and posting the report for viewing over the wide area network (figs. 15-15A)

Re Claim 9: Papierniak further discloses the steps of embedding the commercial data within a URL request directed at the second server (Col 12, lines 37-50)

Response to Arguments

Applicant's arguments filed 11/08/2005 have been fully considered but they are not persuasive. The applicant has argued that the Papierniak reference in combination with the Holland reference do not teach the steps of uploading the web page with data mining code to a visitor computer and operating the data mining code to retrieve technical and commercial data from the visitor computer. However, as discussed previously the examiner believes that the Holland reference does, in fact, teach these steps as well as provide motivation for a combination with Papierniak. Holland notes an example wherein a page is uploaded to the user with code to monitor users request patterns over time (Column 4, lines 52-59). This data mining code is operable on the visiting computer as is disclosed by the claimed invention, as the only way this information can be obtained is via activity by said visiting computer. The fact that this information is bundled in a separate location is inconsequential; the information still must be gained from the operations on the visiting computer. Applicant also claims that since Holland discloses that data mining software may further assist in the process that it renders the teachings invalid since prior preparation is involved. In response to that, it was well known in the art at the time of invention that software could be uploaded and implemented on a system via a network, without prior preparation. Computer viruses, transmitted over the Internet are examples of this type of application. Because of these reasons and the reasons stated in the current and previous office action, the rejection is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600